IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5806 OF 2004
WITH
CONFIRMATION CASE NO. 6 OF 2002
IN
CRIMINAL APPEAL NO. 46 OF 2003
ALONGWITH
CRIMINAL APPEAL NO. 03 OF 2003

Union of India .. Applicant

Vs

Prince Ozochokwu Uzozie & Anr. .. Respondents (Ori. Appellants Nos.2 and 3)

Mr. D.N. Salvi, PP, for the Union of India.

Mr. A.P. Mundargi i/b H.E. Mooman for appellant in Appeal No.46 of 2003 and for the respondent in Confirmation Case No. 6 of 2002.

CORAM: S.B. MHASE &
ANOOP V. MOHTA, JJ.

DATED: 20TH DECEMBER, 2004

P.C.:

1. This is an application for extension of time prohibiting the original accused Nos.2 and 3 from leaving India, without prior permission of this Court. The Confirmation Case No.6 of 2002 was heard along with Criminal Appeal No.1278 of 2003, Criminal Appeal No.46 of 2003, Criminal Appeal No. 3 of 2003 and Criminal Appeal No. 1482 of 2003. The original accused Nos.2

and 3, who are the respondent Nos.1 and 2 herein, have been acquitted and they are Nigerian Citizens. However, Union of India desires to prefer an Appeal as against the acquittal and, therefore, request was made to the Court that the original appellants Nos.2 and 3 should not leave India without prior permission of this Court. This Court had accordingly directed and made the said order operative for a period of eight weeks. Eight weeks are coming to an end tomorrow i.e. 21st December, 2004 and, therefore, this application is preferred.

2. Learned PP submits that the Union of India could not approach the Apex Court since they have found that there are certain typographical mistakes in the judgment and those are required to be corrected and they have moved the matter for Speaking to the Minutes. However, one of the Judges (Palshikar, J.), who is a senior Judge and party to the present judgment, is not available here and, therefore, prayer is made that the said order be extended for a further period of eight weeks.

3. We find substance in the prayer so made and we accordingly direct that the original appellant Nos.2 and 3 i.e. present respondent Nos.1 and 2 in this application shall not leave India for a further period

of eight weeks, unless the permission of this Court is obtained.

4. Parties to act on an ordinary copy of this order, duly authenticated by the Registry of this Court.

[ANOOP V. MOHTA, J.] **[S.B. MHASE, J.]**

[srpasha@hc]